

CHAPTER 7. PRIVATE AND OUT-OF-STATE PUBLIC POSTSECONDARY  
EDUCATIONAL INSTITUTIONS OPERATING IN TEXAS

Subchapter A. GENERAL PROVISIONS

Section

- 7.1. Purpose.
- 7.2. Authority.
- 7.3. Definitions.
- 7.4. Exemptions, Revocation of Exemptions and Certificates of Authorization.
- 7.5. Administrative Procedures Related to Certification of Nonexempt Institutions.
- 7.6. Certificate of Authority -- Eligibility, Applications, Renewals, and Amendments.
- 7.7. Standards for Certificates of Authority.
- 7.8. Certificate of Registration for Agents of Nonexempt Institutions.
- 7.9. Operation of Branch Campuses, Extension Centers, or Other Off-Campus Units by Exempt Institutions.
- 7.10. Occasional Courses, Changes of Level at Exempt Institutions, and Out-of-State Public Institutions.
- 7.11. Revocation of Certificates to Nonexempt Institutions and Agents.
- 7.12. Prohibitions Applicable to Nonexempt Institutions.
- 7.13. Duties upon Dissolution of an Institution.
- 7.14. Procedures Related to the Assessment of Administrative Penalties.
- 7.15. Administrative Penalties.
- 7.16. Injunctions.
- 7.17. Civil Penalties.

Sections 7.1 – 7.3 – No change.

Section 7.4. Exemptions, Revocation of Exemptions, and Certificates of Authorization.

(a) The provisions of this subchapter do not apply to:

(1) The home campus of an institution which is fully accredited by a recognized accrediting agency. For purposes of the exemption, the Board currently recognizes the following accrediting agencies: the Commission on Higher Education, Middle States Association of Colleges and Schools; the Commission on Institutions of Higher Education, New England Association of Schools and Colleges; the Commission on Institutions of Higher Education, North Central Association of Colleges and Schools; the Commission on Colleges, Northwest Association of Schools and Colleges; the Commission on Colleges, Southern Association of Colleges and Schools; the Accrediting Commission for Community and Junior Colleges and Accrediting Commission for Senior Colleges and Universities, Western Association of Schools and Colleges; the Accrediting Association of Bible Colleges; Accrediting Council for Independent Colleges and Schools; and the Association of Theological Schools in the United States and Canada.

Section 7.4 (a) 2 – 7.4 (f) 5 – No change.

Sections 7.5 – 7.6 - No change.

The following section is for information only – no change.

Section 7.7. Standards for Certificates of Authority.

The decision to grant a certificate of authority to an institution will be based on its demonstrated compliance with the following twenty-one standards. Particular attention will be paid to the institution's commitment to education, responsiveness to recommendations and suggestions for improvement, and, in the case of a renewal of a certificate of authority, record of improvement and progress following initial approval which would ensure accreditation within the time limits specified in Section 7.6(c)(3) of this title (relating to Certificate of Authority). The twenty-one standards represent generally accepted administrative and academic practices and principles of accredited institutions of higher education in Texas. Such practices and principles are generally set forth by regional and specialized accrediting bodies and the academic and professional societies which have established standards for their members' programs, such as the National Association of College and University Business Officers and the American Association of Collegiate Registrars and Admissions Officers.

(1) Legal Compliance. The institution shall be maintained and operated in compliance with all applicable ordinances and laws, including the rules and regulations adopted to administer those ordinances and laws. The institution shall demonstrate compliance with the Texas Education Code, Chapter 132 by supplying a copy of a certificate of approval to operate a proprietary school or a letter of exemption from the Texas Workforce Commission.

(2) Qualifications of Institutional Officers. The character, education, and experience in higher education of governing board members, administrators, supervisors, counselors, agents, and other institutional officers shall be such as may reasonably ensure that the students will receive education consistent with the objectives of the course or program of study. In particular, the academic administrator shall be qualified by level and area of academic preparation, as well as through appropriate experience, to direct the academic affairs of the institution.

(3) Governing Board. The governing board of the institution, consisting of at least five members, shall be an active policy-making body, independent from any person or organization, and shall exercise its authority to ensure that the mission of the institution is carried out. Members of the board shall represent the interests of the institution's constituencies of faculty, students, and supporters. The presiding officer of the board, along with a majority of the other voting members, shall have no contractual, employment, or personal or familial financial interest in the institution and derive no financial gain from the operations of the institution.

(4) Distinction of Roles. There shall be sufficient distinction among the roles and personnel of the governing board of the institution, the administration, and faculty to ensure their appropriate separation and independence.

(5) Financial Resources and Stability. The institution shall have adequate financial resources and financial stability to provide education of good quality and to be able to fulfill its commitments to students. The institution shall have sufficient reserves so that, together with tuition and fees, it would be able to

complete its educational obligations to currently enrolled students if it were unable to admit any new students.

(6) Financial Records. Financial records and reports of the institution shall be kept and made separate and distinct from those of any affiliated or sponsoring person or entity. Financial records and reports shall be kept in accordance with the guidelines of the National Association of College and University Business Officers as set forth in *College and University Business Administration, (Sixth Edition)*, or such later editions as may be published. An annual independent audit of all fiscal accounts of the educational institution shall be authorized by the governing board and shall be performed by a properly authorized certified public accountant.

(7) Institutional Assessment. Continual and effective assessment, planning, and evaluation of all aspects of the institution shall be conducted to advance and improve the institution. These aspects include, but are not limited to, the academic program of teaching, research, and public service; administration; financial planning and control; student services; facilities and equipment, and auxiliary enterprises.

(8) Student Admission and Remediation.

(A) Upon the admission of a student to any undergraduate program, the institution shall document the student's level of preparation to undertake college level work by obtaining proof of the student's high school graduation or General Educational Development (GED) certification and by assessing the student with appropriate diagnostic tests. If a GED is presented, to be valid, the score must be at or above the passing level set by the Texas Education Agency. The institution shall provide an effective program of remediation for students diagnosed with deficiencies in their preparation for collegiate study.

(B) Upon the admission of a student to any graduate program, the institution shall document that the student is prepared to undertake graduate-level work by obtaining proof that the student holds a baccalaureate degree from an institution accredited by a recognized accrediting agency or a degree from a foreign institution equivalent to a baccalaureate degree from an accredited institution. The institution shall follow standard practice in assessing the credentials of students who graduated from foreign institutions.

(9) Faculty Qualifications. The character, education, and experience in higher education of the faculty shall be such as may reasonably ensure that the students

will receive an education consistent with the objectives of the course or program of study.

(A) Each faculty member teaching in an academic associate or baccalaureate level degree program shall have at least a master's degree from an institution accredited by a recognized agency with at least 18 graduate semester credit hours in the discipline being taught.

(B) At least 25 percent of the courses in an academic associate or baccalaureate level major shall be taught by faculty members holding doctorates, or other terminal degrees, in the discipline being taught, from institutions accredited by a recognized agency.

(C) Each faculty member teaching technical or vocational courses in a vocational associate degree program shall have at least an associate degree in the discipline being taught from an institution accredited by a recognized agency and at least three years of direct or closely related experience in the discipline being taught.

(D) Each faculty member teaching general education courses in a vocational associate degree program shall meet the requirements for academic associate faculty listed above.

(E) Graduate-level degree programs shall be taught by faculty holding doctorates, or other degrees generally recognized as the highest attainable in the discipline being taught from institutions accredited by a recognized agency.

(10) Faculty Size. There shall be a sufficient number of faculty holding full time teaching appointments who are resident and accessible to the students to ensure continuity and stability of the education program, adequate educational association between students and faculty and among the faculty members, and adequate opportunity for proper preparation for instruction and professional growth by faculty members. At the associate and baccalaureate levels, there shall be at least one full-time faculty member in each program. At the graduate level, there shall be at least four full-time faculty members in each program.

(11) Academic Freedom and Faculty Security. The institution shall adopt, adhere to, and distribute to all members of the faculty a statement of academic freedom assuring freedom in teaching, research, and publication. All policies and procedures concerning promotion, tenure, and non-renewal or termination of appointments, including for cause, shall be clearly stated and published in a faculty handbook, adhered to by the institution, and supplied to all faculty. The specific terms and conditions of employment of each faculty member shall be clearly described in a written document to be given to that faculty member, with a copy to be retained by the institution.

(12) Curriculum. The quality, content, and sequence of each course, curriculum, or program of instruction, training, or study shall be appropriate to the purpose of the institution and shall be such that the institution may reasonably and adequately achieve the stated objectives of the course or program. Substantially all of the courses in the areas of specialization required for each degree program shall be offered in organized classes by the institution, provided such courses are appropriate to the level of the institution. The degree level, degree designation, and the designation of the major course of study shall be appropriate to the curriculum offered and shall be accurately listed on the student's diploma and transcript.

(13) General Education.

(A) Each associate or baccalaureate degree program shall contain a general education component consisting of at least 25 percent of the total hours required for graduation from the program.

(B) This component shall be drawn from each of the following areas: Humanities and Fine Arts, Social and Behavioral Sciences, and Natural Sciences and Mathematics. It shall include courses to develop skills in written and oral communication and basic computer instruction.

(C) Courses designed to correct deficiencies, remedial courses for associate and baccalaureate programs, and leveling courses for graduate programs, may not count toward general education requirements for the degree.

(D) The applicant institution may arrange to have all or part of the general education component taught by another institution, provided that:

(i) the applicant institution's faculty shall design the general education requirement;

(ii) there shall be a written agreement between the institutions specifying the applicant institutions' general education requirements and the manner in which they will be met by the providing institution;

(iii) at least one-half of the courses shall be offered in organized classes; and

(iv) the providing institution shall be accredited by a recognized accrediting agency.

(14) Credit for Work Completed Outside a Collegiate Setting.

(A) An institution awarding collegiate credit for work completed outside a collegiate setting (outside a degree-granting institution accredited by a recognized agency) shall establish and adhere to a systematic method for evaluating that work, shall award credit only in course content which falls within the authorized degree programs of the institution, in an appropriate manner shall relate the credit to the student's current educational goals, and shall subject the institution's process and procedures for evaluating work completed outside a collegiate setting to ongoing review and evaluation by the institution's teaching faculty. To these ends, recognized evaluative examinations such as the advanced placement program (AP) or the college level examination program (CLEP) may be used.

(B) No more than 15 semester credit hours or 23 quarter credit hours in a student's associate or baccalaureate degree program may be based on work completed outside a collegiate setting and validated in the manner set forth in subparagraph (A) of this paragraph. No graduate

credit for work completed outside a collegiate setting may be awarded. In no instance may credit be awarded for life experience *per se* or merely for years of service in a position or job.

(15) Library.

(A) The institution shall have in its possession or direct control, properly catalogued, and readily available to its students and faculty a sufficient quality and variety of library holdings to support adequately its own curriculum. In addition, the institution shall supply access to educational resources appropriate to support its program that are available by electronic delivery, including access to the Internet, and shall make these educational resources available in an active and effective manner.

(B) The institution shall have adequate library facilities for the library holdings, space for study, and workspace for the librarian and library staff.

(C) The librarian shall hold a graduate degree in library science from an institution accredited by a recognized accrediting agency.

(D) Arrangements made with other libraries for the use of library materials shall be formalized in writing, the collection shall be validated by the institution to be appropriate for the programs being offered, records of usage by the students shall be kept, and the library shall be reasonably accessible to the students and faculty.

(16) Facilities. The institution shall have adequate space, equipment, and instructional materials to provide education of good quality. Student housing owned, maintained, or approved by the institution, if any, shall be appropriate, safe, and adequate.

(17) Academic Records. Adequate records of each student's academic performance shall be securely and permanently maintained by the institution.

(A) The records for each student shall contain:

(i) student contact and identification information, including address and telephone number;

(ii) records of admission documents, such as high school diploma or GED (if undergraduate) or undergraduate degree (if graduate);

(iii) records of all courses attempted, including grade; completion status of the student, including the diploma, degree or award conferred to the student; and

(iv) any other information typically contained in academic records.

(B) Two copies of said records shall be maintained in secure places.

(C) Transcripts shall be provided upon request by a student, subject to the institution's obligation, if any, to cooperate with the rules and regulations governing state, and federally guaranteed student loans.

(18) Accurate and Fair Representation in Publications, Advertising, and Promotion.

(A) Neither the institution nor its agents or other representatives shall engage in advertising, recruiting, sales, collection, financial credit, or other practices of any type which are false, deceptive, misleading, or unfair. Likewise, all publications, by any medium, shall accurately and fairly represent the institution, its programs, available resources, tuition and fees, and requirements.

(B) The institution shall provide students, prospective students prior to enrollment, and other interested persons with a catalog containing information describing the purpose, length, and objectives of the programs offered by the institution; its schedule of tuition, fees, and all other charges and expenses necessary for completion of the course of study; its cancellation and refund policy; a list of administrative personnel and faculty members, including the degrees held by each person and the institutions awarding those degrees; and such other material facts concerning the institution and the program or course of instruction as are reasonably likely to affect the decision of the student to enroll therein. Any disclosures specified by the Board or defined in the rules shall be included. The cancellation and refund policy of the institution shall be fair and shall be applied equitably.

(C) Upon satisfactory completion of the program of study, the student shall be given appropriate educational credentials indicating the degree level, degree designation, and the designation of the major course of study, and a transcript accurately listing the information typically found on such a document, subject to institutions' obligation, if any, to cooperate with the rules and regulations governing state, and federally guaranteed student loans.

(19) Academic Advising and Counseling. The institution shall provide an effective program of academic advising for all students enrolled. The program shall include orientation to the academic program, academic and personal counseling, career information and planning, placement assistance, and testing services.

(20) Student Handbook. The institution shall establish and adhere to a clear and fair policy regarding due process in disciplinary matters, and publish this policy in a handbook, which shall include other rights and responsibilities of the students. This handbook shall be supplied to each student upon enrollment in the institution.

(21) Health Services. The institution shall provide an effective program of health services and education reflecting the needs of the students. The program shall include instruction on emergency and safety procedures at the institution, including appropriate responses to illness, accident, fire, and crime.

Sections 7.8 – 7.17 – No change.